

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICAL INDUSTRIES LTD.,
and NOVOPHARM, LTD.,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER S.A.,

Counterclaim Defendants.

C.A. No. 02-1512 (***)

CONSOLIDATED

IMPAX LABORATORIES, INC.,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER S.A.,

Counterclaim
Defendants.

C.A. No. 03-120 (***)

CONSOLIDATED

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

C.A. No. 05-340 (***)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CONSOLIDATED

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

C.A. No. 05-360 (***)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CONSOLIDATED

STIPULATION AND PROPOSED ORDER RE SCHEDULE

IT IS HEREBY STIPULATED by the Plaintiffs and the Defendants, subject to the approval of the Court, that the following modification to the schedule (*see, e.g.*, D.I. 521 and D.I. 540 in C.A. No. 02-1512) will apply:

1. Any party serving an initial expert report on December 15, 2006 to which Abbott and Fournier responded on June 29, 2007 may serve a reply report on or before October 8, 2007 to contradict or rebut evidence on the same subject matter.

2. Without prejudice to any party's position on which party has the burden of proof on the issue of product improvements, Abbott and Fournier may serve on October 8, 2007 expert reports responsive to Impax's and Teva's expert reports on product improvements previously served.

3. The parties shall work in good faith to promptly provide proposed expert deposition dates for all experts whose reports have been served as of the date of this Order and for whom deposition dates have not been agreed upon..

4. Depositions of the experts shall be completed by February 15, 2008. There shall be only one deposition for each report filed by each expert. All plaintiffs shall take a single deposition of each Abbott and Fournier expert, per each report filed by such expert. The deposition of an expert is not limited to one day of seven hours; the parties shall negotiate in good faith to establish time limits for individual expert depositions.

5. To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), it shall be made by motion no later than March 21, 2008. Answering briefs shall be served on or before April 18, 2008. Any party wishing to file a reply brief in support of a *Daubert*

motion may ask the Court at the time of briefing for permission to file a reply brief. Absent such permission, reply briefs shall not be filed in support of a *Daubert* motion.

6. All case dispositive motions, and an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before April 4, 2008. Answering briefs shall be served and filed by May 12, 2008 and reply briefs shall be served and filed by June 13, 2008.

ROSENTHAL, MONHAIT & GODDESS, P.A.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jeffrey S. Goddess
Jeffrey S. Goddess (# 630)
Jessica Zeldin (# 3558)
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433

/s/ James W. Parrett, Jr.
Mary B. Graham (# 2256)
James W. Parrett, Jr. (# 4292)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200

Liaison Counsel for Direct Purchasers

Attorneys for Abbott Laboratories

PRICKETT JONES & ELLIOTT, P.A.

RICHARDS, LAYTON & FINGER, P.A.

/s/ Elizabeth M. McGeever
Elizabeth M. McGeever (# 2057)
1310 King Street
P.O. Box 1328
Wilmington, DE 19899
(302) 888-6521

/s/ Anne Shea Gaza
Frederick L. Cottrell, III (# 2555)
Anne Shea Gaza (# 4093)
One Rodney Square
Wilmington, DE 19801
(302) 651-7700

Counsel for Walgreen Co., Eckerd Corp., The Kroger Co., Maxi Drug, Inc. d/b/a Brooks Pharmacy, Albertson's Inc., Safeway, Inc. and Hy-Vee, Inc., CVS Pharmacy, Inc., Rite Aid Corp. and Rite Aid Hdqtrs Corp., and American Sales Company Inc.

Attorneys for Fournier Industrie et Santé and Laboratoires Fournier, S.A.

CHIMICLES & TIKELLIS LLP

MURPHY & LONDON

/s/ A. Zachary Naylor

Pamela S. Tikellis (#2172)
A. Zachary Naylor (# 4439)
One Rodney Square
P.O. Box 1035
Wilmington, DE 19899
(302) 656-2500

/s/ Jonathan L. Parshall

Jonathan L. Parshall (# 3247)
1011 Centre Road, Suite 210
Wilmington, DE 19805
(302) 472-8100

Attorneys for Pacificare Health Systems, Inc.

Liaison Counsel for Indirect Purchasers

YOUNG CONAWAY STARGATT & TAYLOR, LLP

MORRIS JAMES LLP

/s/ Josy W. Ingersoll

Josy W. Ingersoll (#1088)
Karen E. Keller (#4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0391
(302) 571-6600

/s/ Mary B. Matterer

Mary B. Matterer (#2696)
222 Delaware Avenue, 10th Floor
Wilmington, DE 19899-2306
(302) 888-6800

Attorneys for Impax Laboratories Inc.

*Attorneys for Teva Pharmaceuticals USA,
Inc., Teva Pharmaceuticals Industries Ltd.,
and Novopharm Ltd.*

SO ORDERED this ____ day of _____, 2007.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2007, I electronically filed the foregoing document using CM/ECF, which will send notification of such filing to all registered participants, including:

Josy W. Ingersoll, Esquire
John W. Shaw, Esquire
Karen Keller, Esquire
Young Conaway Stargatt
& Taylor LLP
The Brandywine Building
1000 West Street, 17th Floor
P. O. Box 391
Wilmington, DE 19899-0391

Frederick L. Cottrell, III, Esquire
Anne Shea Gaza, Esquire
Richards Layton & Finger
One Rodney Square
920 North King Street
Wilmington, DE 19801

Pamela S. Tikellis, Esquire
Robert J. Kriner, Jr., Esquire
A. Zachary Naylor, Esquire
Chimicles & Tikellis LLP
One Rodney Square
P. O. Box 1035
Wilmington, DE 19899

Elizabeth M. McGeever, Esquire
Prickett Jones Elliott, P.A.
1310 King Street
P. O. Box 1328
Wilmington, DE 19899

Mary B. Graham, Esquire
James W. Parrett, Jr., Esquire
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P. O. Box 1347
Wilmington, DE 19899

Mary B. Matterer, Esquire
Morris James Hitchens & Williams LLP
222 Delaware Avenue
10th Floor
P. O. Box 2306
Wilmington, DE 19899

Jonathan L. Parshall, Esquire
Murphy & Landon
1011 Centre Road
Suite 210
Wilmington, DE 19801

Michael I. Silverman, Esquire
Lynn A. Iannone, Esquire
Silverman & McDonald
1010 N. Bancroft Parkway #22
Wilmington, DE 19805

Patrick Francis Morris, Esquire
Morris & Morris
1105 North Market Street
Suite 803
Wilmington, DE 19801

I hereby certify that on October 1, 2007, I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PURCHASER CLASS
(C.A. No. 05-340):

Bruce E. Gerstein
bgerstein@garwingerstein.com

Barry S. Taus
btaus@garwingerstein.com

Adam M. Steinfeld
asteinfeld@garwingerstein.com

Rimma Neman
rneman@garwingerstein.com

Daniel Berger
danberger@bm.net

Eric L. Cramer
ecramer@bm.net

Peter Kohn
pkohn@bm.net

Neill W. Clark
nclark@bm.net

John D. Radice
jradice@bm.net

Linda P. Nussbaum
lnussbaum@kaplanfox.com

David P. Germaine
dgermaine@vaneklaw.com

Joseph Vanek
jvanek@vaneklaw.com

Stuart Des Roches
stuart@odrlaw.com

Andrew Kelly
akelly@odrlaw.com

Adelaida Ferchmin
aferchmin@odrlaw.com

David P. Smith
dpsmith@psflp.com

Russell A. Chorush
rchorush@hpcllp.com

Michael F. Heim
mheim@hpcllp.com

REPRESENTING WALGREEN, ECKERD,
KROGER, MAXI, CVS, RITE AID
(C.A. No. 05-340):

Elizabeth M. McGeever
emmccgeever@prickett.com

Scott E. Perwin
sperwin@kennynachwalter.com

Lauren Ravkind
lravkind@kennynachwalter.com

Joseph T. Lukens
jluken@hangley.com

REPRESENTING PACIFICARE
(C.A. No. 05-340):

Jonathan L. Parshall
jonp@msslaw.com

William Christopher Carmody
bcarmody@susmangodfrey.com

John Turner
jturner@susmangodfrey.com

Shawn Rabin
srabin@susmangodfrey.com

Ken Zylstra
zylstra@marcusauerbach.com

Jerome Marcus
jmarcus@marcusauerbach.com

Lyle Stamps
lstamps@sbclasslaw.com

Steve Connolly
sconnolly@sbclasslaw.com

Casey Murphy
cmurphy@sbclasslaw.com

Mark Sandman
mms@rawlingsandassociates.com

Jeffrey Swann
js5@rawlingsandassociates.com

REPRESENTING IMPAX
LABORATORIES (C.A. No. 03-120)

Mary Matterer
mmatterer@morrisjames.com

John C. Vetter
jvetter@kenyon.com

Asim Bhansali
abhansali@kvn.com

REPRESENTING INDIRECT PARTY
PLAINTIFFS (C.A. No. 05-360):

Pamela S. Tikellis
Thomas M. Sobol
Patrick E. Cafferty
Jeffery L. Kodroff
Bernard J. Persky
Michael Gottsch
A. Zachary Naylor
Robert Davis
Brian Clobes
Michael Tarringer
Tim Fraser
David Nalven
Greg Matthews
Christopher McDonald
Kellie Safar
Ted Lieberman
Pat Howard
trikor@chimicles.com

Michael I. Silverman
mike@silverman-mcdonald.psemail.com

Lynn A. Iannone
lynn@silverman-mcdonald.psemail.com

Patrick Francis Morris
pmorris@morrisandmorrislaw.com

REPRESENTING TEVA
PHARMACEUTICALS (C.A. No. 02-1512):

Josy W. Ingersoll
Bruce M. Gagala
Karen E. Keller
Christopher T. Holding
Ken Cohen
Elaine Blais
trikor@ycst.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham
tricor@mnat.com

James W. Parrett, Jr.
jparrett@mnat.com

William F. Cavanaugh
wfcavanaugh@pbwt.com

Chad J. Peterman
cjpeterman@pbwt.com

Thomas W. Pippert
twpippert@pbwt.com

REPRESENTING FOURNIER (ALL CASES):

Frederick L. Cottrell, III
Anne Shea Gaza
Steven S. Sunshine
Matthew P. Hendrickson
Bradley J. Demuth
Maggie DiMoscato
Timothy C. Bickham
tricor@rlf.com

/s/ Jeffrey S. Goddess

Jeffrey S. Goddess (Del. Bar No. 630)
Jessica Zeldin (Del. Bar No. 3558)
Rosenthal, Monhait & Goddess, P.A.
Suite 1401, 919 Market Street
P. O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com
jzeldin@rmgglaw.com